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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CASE NO. C 04-02676-CRB
E-Filing

**DECLARATION OF BRIAN D. WALLACH
IN SUPPORT CONCORD EFS, INC.'S AND
FIRST DATA CORPORATION'S
MOTION FOR SUMMARY JUDGMENT ON
PLAINTIFFS' *PER SE* CLAIM**

Hearing Date: October 5, 2007
Time: 10:00 AM
Courtroom: 8
The Honorable Charles R. Breyer

1. I am an attorney duly admitted *pro hac vice* to practice before this Court in the above-captioned matter. I am a partner in the law firm of Howrey LLP, which is counsel for defendants Concord EFS, Inc. and First Data Corporation (collectively, “Concord”) in this litigation. I submit this

3. A true and correct copy of the 1985 Pulse ATM Costing Study is attached hereto as Exhibit B.

5. A true and correct copy of the 2006 ATM Deployer Study is attached hereto as Exhibit D.

7. A true and correct copy of the May 3, 2001 Pricing Committee Minutes is attached hereto as Exhibit F.

9. A true and correct copy of Defendants' Preliminary Identification of Procompetitive Justifications for the Setting of a Default System-Wide Interchange Fee is attached hereto as Exhibit H.

10. A true and correct copy of selected excerpts from Star's 2004 Operating Rules, a complete copy of which has been previously produced to plaintiffs, is attached hereto as Exhibit I.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 3rd day of August, 2007, in Washington, D.C.

/s/ Brian D. Wallach
Brian D. Wallach